

HOUSE BILL No. 1103

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4.

Synopsis: Jury selection. Indicates that lists of motor vehicle registrations must be used along with voter registration lists in the selection of individuals for jury duty. Eliminates the requirement in certain counties that tax rolls must be used to compile a jury list.

Effective: January 1, 2000.

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January 6, 1999, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1103

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-5-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) The commissioners
3 shall immediately, from ~~the names of legal voters and citizens of the~~
4 ~~United States on the latest tax duplicate and the tax schedules of the~~
5 ~~county, a master list consisting of all:~~

6 (1) **the voter registration lists for the county; and**

7 (2) **motor vehicle registrations by residents of the county;**

8 examine for the purpose of determining the sex, age, and identity of
9 prospective jurors, and proceed to select and deposit, in a box furnished
10 by the clerk for that purpose, the names, written on separate slips of
11 paper of uniform shape, size, and color, of twice as many persons as
12 will be required by law for grand and petit jurors in the courts of the
13 county, for all the terms of such courts, to commence with the calendar
14 year next ensuing. Each selection shall be made as nearly as possible
15 in proportion to the population of each county commissioner's district.
16 In making such selections, they shall in all things observe their oath,
17 and they shall not select the name of any person who is to them known

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1 to be interested in or has cause pending which may be tried by a jury
 2 to be drawn from the names so selected. They shall deliver the box,
 3 locked, to the clerk of the circuit court, after having deposited therein
 4 the names as herein directed. The key shall be retained by one (1) of
 5 the commissioners, not an adherent of the same political party as is the
 6 clerk.

7 (b) In a county containing a consolidated city, the commissioners
 8 may, upon an order made by the judge of the circuit court and entered
 9 in the records of the circuit court of the county, make such selections
 10 and such deposits monthly instead of annually and may omit the
 11 personal examination of prospective jurors, the examination of voters
 12 lists, and make selection without reference to commissioners' districts.
 13 The judge of the circuit court in any such county containing a
 14 consolidated city may appoint a secretary for the jury commissioners,
 15 and sufficient stenographic aid and clerical help to properly perform
 16 the duties of the commissioners and may fix the salaries of the
 17 commissioners, the secretary, and stenographic and clerical employees,
 18 and may also provide office quarters and necessary supplies therefor,
 19 all of which shall be paid for from the treasury of the county upon the
 20 order of the court.

21 (c) Subject to appropriations made by the county fiscal body, the
 22 jury commissioners may utilize a computerized jury selection system.
 23 However, the system utilized for the selection system must be fair and
 24 may not violate the rights of persons with respect to the impartial and
 25 random selection of prospective jurors. The jurors selected under the
 26 computerized jury selection system must be eligible for selection under
 27 this chapter. The commissioners shall deliver the names of the
 28 individuals selected to the clerk of the circuit court. The commissioners
 29 shall observe their oath in all activities taken under this subsection.

30 (d) The jury commissioners may supplement ~~voter registration lists~~
 31 ~~and tax schedules~~ under subsection (a) with names from lists of persons
 32 residing in the county that the jury commissioners may designate as
 33 necessary to obtain a cross section of the population of each county
 34 commissioner's district. The lists designated by the jury commissioners
 35 under this subsection must be used for the selection of jurors
 36 throughout the entire county.

37 (e) The supplemental sources designated under subsection (d) may
 38 consist of such lists as those of utility customers, persons filing income
 39 tax returns, ~~motor vehicle registrations~~, **property taxpayers**; city
 40 directories, telephone directories, and driver's licenses. These
 41 supplemental lists may not be substituted for the ~~voter registration list~~.
 42 **lists required under subsection (a).** The jury commissioners may not

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draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules. **required under subsection (a).**

SECTION 2. IC 33-4-5.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) The jury commissioner shall compile and maintain a master list consisting of all:

(1) the voter registration lists for the county; **and**

(2) motor vehicle registrations by residents of the county;

supplemented with names from other lists of persons resident in the county which the Indiana supreme court shall from time to time designate as necessary to obtain the broadest cross-section of the county, having determined that use of such supplemental lists is feasible. The supreme court shall exercise the authority so to designate from time to time in such manner as to foster the policy and protect the rights secured by this article. These supplemental sources may consist of such lists as those of utility customers, property taxpayers, persons filing income tax returns, ~~motor vehicle registrations~~, city directories, telephone directories, and driver's licenses. Such lists may not be substituted for the voter registration list. In drawing names from such supplemental lists, the jury commissioner shall avoid duplication of names.

~~(b)(1)~~ **(b)** Whoever has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection (a) of this section by the supreme court as supplementary sources of names, shall furnish the list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

~~(2)~~ **(c)** When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the court.

~~(3)~~ **(d)** The master list of names shall be open to the public for examination as a public record, except that the source of names and any information other than name contained in that source shall not be public information.

SECTION 3. IC 33-4-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 13. (a) The jury commissioner shall compile and maintain a master list consisting of all:

(1) the voter registration lists for the county; **and**

(2) motor vehicle registrations by residents of the county;

supplemented with names from other lists of persons resident in the county that the Indiana supreme court shall from time to time designate as necessary to obtain the broadest cross section of the county, having determined that use of supplemental lists is feasible. The Indiana



1 supreme court may designate supplemental lists for use by the courts
 2 from time to time in a manner that fosters the policy and protects the
 3 rights secured by this chapter. Supplemental sources may consist of
 4 lists of utility customers, property taxpayers, persons filing income tax
 5 returns, ~~motor vehicle registrations~~, city directories, telephone
 6 directories, and driver's licenses. Supplemental lists may not be
 7 substituted for the voter registration list. In drawing names from
 8 supplemental lists, the jury commissioner shall avoid duplication of
 9 names.

10 (b) Whoever has custody, possession, or control of any of the lists
 11 making up or used in compiling the master list, including those
 12 designated under subsection (a) by the Indiana supreme court as
 13 supplementary sources of names, shall furnish the master list to the jury
 14 commissioner for inspection, reproduction, and copying at all
 15 reasonable times.

16 (c) When a copy of a list maintained by a public official is
 17 furnished, only the actual cost of the copy may be charged to the courts.

18 (d) The master list of names is open to the public for examination
 19 as a public record. However, the source of names and any information
 20 other than the names contained in the source is confidential.

21 **SECTION 4. [EFFECTIVE JANUARY 1, 2000] IC 33-4-5-2,**
 22 **IC 33-4-5.5-7, and IC 33-4-11-13, all as amended by this act, apply**
 23 **only to master lists and supplemental lists compiled for jury**
 24 **selection after December 31, 1999.**

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